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REMARKS

Claims 1-20 remain in the application.

On page 5, Item III, of the Office Action, the Examiner confirms that claim 1 as currently on file distinguishes over Cates under 35 U.S.C. 102(b). Further in Item III on page 5, the Examiner combines Carstens with Cates, stating that claim 1 as currently on file is rendered obvious under 35 U.S.C. 103(a) by the combination of Carstens and Cates. The Applicant respectfully disagrees.

Firstly, it is observed that the Examiner fails to explain the motivation for combining or modifying the prior-art references of Cates and Carstens to come up with the invention of claim 1. After a thorough review of Carstens, the Applicant notes that Carstens teaches away from such a combination. More specifically, Cates teaches a conveyor (a.k.a., a crawler) that lies upon several steps of a set of stairs. This is clearly seen in Fig. 1 of Cates. Similarly, the invention as described in the present application is a conveyor/crawler.

On the other hand, Carstens describes a safety device for stair-climbing systems that is used with wheelchairs. The Carstens reference clearly teaches away from the use of conveyors or crawlers. Reference is made to column 1, lines 11-18, in which it is stated, *"One construction principle uses crawler chassis. The crawlers are long enough for at least three stairs to be grasped at the same time. In this way, accidental tipping over of the wheelchair and the person is impossible, so that falls with resulting injuries or even deaths are ruled out. These stair-climbers have problems with narrow and curved stairways, however, due to the length and width of the crawler chassis."*

Therefore, Carstens fails to identify a tipping-over problem associated with conveyors/crawlers. Carstens states that *"accidental tipping over [...] is impossible"* with conveyors/crawlers, which goes against what is described in the present application. Accordingly, Carstens did not intend for its safety device to be used with a conveyor such as the one described in Cates. Therefore, rather than motivating a combination of Carstens with conveyors such as Cates, the Carstens reference leads a person skilled in the art away from the problem solved by the conveyor as claimed in claim 1. The person skilled in the

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art would understand that tipping over is not an issue with conveyors after reading Carstens.

Secondly, the anti-roll device as claimed in claim 1 has the limitation that the *"one arm [is] completely above a plane of an undersurface of the apparatus of the apparatus in the projecting position."* The Examiner confirms that this is a novel feature in view of Cates. The Examiner seeks support for an obviousness rejection in Carstens. However, reference is made to Figs. 2, 4, 5 and 6 of Carstens, in which it is clear that an equivalent to the anti-roll device is always in contact with the staircase. Moreover, reference is made to column 2, lines 38 and 39, in which the language used by Carstens emphasizes that the equivalent of the anti-roll device is always in contact with the stairs. Accordingly, both Cates and Carstens fail to identify the problem of anti-roll devices that prevent the backward motion of a conveyor. Accordingly, the prior art is completely absent of any suggestion as to how to solve this problem. As the Examiner fails to motivate the combination of Carstens and Cates to solve the problem of claim 1, the Applicant respectfully argues that no prima facie case of obviousness has been established.

In his response to the arguments, the Examiner maintains his position with regard to the objection to claim 13 under 35 U.S.C. 103(a) in view of the combination of Cates and Thunnell.

The Applicant respectfully submits that the prior art fails to teach the load being *"carried on the cylindrical roller onto the support surface by traction of the exposed portion of the endless track on the load."*

The Examiner states that it would have been obvious to one of ordinary skill in the art to modify Cates with a roller as taught by Thunnell, yet the limitation cited above is not disclosed by either one of Cates or Thunnell. Moreover, the Applicant argues that the Examiner fails to provide motivation for the combination of Cates with Thunnell, other than stating that *"it would have been obvious to one of ordinary skill the art."* In the recent KSR v. Teleflex decision, it was established that in formulating a rejection under 35 U.S.C. 103(a) based upon a combination of prior-art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior-art elements in the manner claimed.

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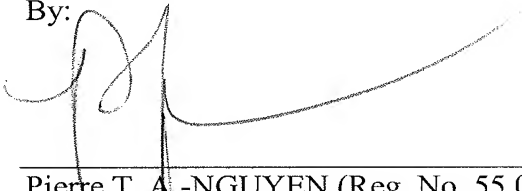
Accordingly, claim 13 is deemed to patentably distinguish over the cited references, whether taken individually or in combination, as both references fail to teach a limitation by which a load is carried on a cylindrical roller "*by traction*" using the adjacent "*endless track*." Moreover, the Applicant states that no prima facie case of obviousness has been established, as the Examiner has failed to identify any motivation in Thunnell that would lead a person skilled in the art to combine this reference with Cates.

In view of the above remarks, this application is now considered to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

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By:



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(Date)

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